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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,329	08/14/2006	Alexander Bublewitz	BUBLEWITZ ET AL-14 PCT	6518
25889	7590	10/05/2009	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			YOON, TAE H	
			ART UNIT	PAPER NUMBER
			1796	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,329	Applicant(s) BUBLEWITZ ET AL.	
	Examiner Tae H. Yoon	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/14/09</u> . | 6) <input type="checkbox"/> Other: _____ |

A proper terminal disclaimer is acknowledged.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is incomplete since the ending period (.) is still missing.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-21 and 23 are rejected under 35 U.S.C. 103(a) as obvious over Yano et al (US 6,077,896) alone, or in view of Schwabe et al (US 6,218,461).

Rejection is maintained for reason of record with following response.

Applicant admits that Yano et al teach the instant salts of amine compounds (such as the instant DBU) with carboxylic or other acids, but applicant asserts that the amended claim 1 indicates the curing under ambient temperature only and a short curing time. However, there is no such limitation in the claim 1 contrary to applicant's assertion, and furthermore, even if there were, it would be an intended use or a method of using which does not have probative value. Even if given weight to the data in table

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2 as pointed out by applicant, scope of claim is broader than the showing in table 2.

Simpler form of acids such as propiolic acid, propionic acid and butyric acid are not compared since the use of carboxylic acids with a smaller molecular weight would be a reasonable start to one skilled in the art.

Schwabe et al is to show the art known carboxylic acid for forming a salt, not a catalyst.

With respect to new claim 23, the oxy-alkylene polymer containing at least one reactive silyl group taught by Yano et al would meet said claim 23.

Claims 1-4, 7-21 and 23 are rejected under 35 U.S.C. 103(a) as obvious over Yano et al (US 6,077,896) alone, or in view of Schwabe et al (US 6,218,461) and further in view of Bublewitz et al (US 2002/0156186 A1).

Rejection is maintained for reason of record with above response.

Bublewitz et al are cited to show fillers, not a catalyst.

Claims 1, 2, 7-21 and 23 are rejected under 35 U.S.C. 103(a) as obvious over Yano et al (US 6,077,896) alone, or in view of Schwabe et al (US 6,218,461) and further in view of Bachon et al (US 2005/0260401 A1).

Rejection is maintained for reason of record with above response.

Bachon et al are cited to show water scavenger, not a catalyst.

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Claims 1, 2, 5-21 and 23 are rejected under 35 U.S.C. 103(a) as obvious over Yano et al (US 6,077,896) in view of Renga (US 4,375,549) and Panster et al (US 4,362,885).

Rejection is maintained for reason of record with above and below response.

With respect to Renga, applicant asserts that Renga fails to teach the instant combination of selected ammonium cations with anions derived from selected carboxylic acids and that more detailed information is not given in Renga even though Renga teaches a solubilizing agent, such as a crown ether. However, see *In re Mills*, 477 F2d 649, 176 USPQ 196 (CCPA 1972); Reference must be considered for all that it disclosed and must not be limited to preferred embodiments or working examples. Again, said crown ether would chelate (or complex) said cations of salts inherently and the organic acids would encompass various acids including the instant carboxylic acids since there are limited species of the carboxylic acids such as saturated or unsaturated, aliphatic, aromatic or cyclo-aliphatic or aromatic and linear or branched.

Panster et al are cited to show various crown ethers, not crosslinking of an alkoxysilyl-functional polyether.

Claims 1, 2, 5, 6, 10-14, 16-21 and 23 are rejected under 35 U.S.C. 103(a) as obvious over Müller et al (US 5,118,290) in view of Renga (US 4,375,549) and Panster et al (US 4,362,885), and further in view of Schwabe et al (US 6,218,461).

Rejection is maintained for reason of record with following response.

Applicant asserts that the combined references fail to teach the instant combination of the claimed components even though applicant's catalysts are known as discussed by the examiner. However, Müller et al teach dental impression material comprising an alkoxysilyl-polyether and a catalyst and thus utilization of the known catalyst would be a *prima facie* obviousness contrary to applicant's assertion.

With respect to new claim 23, the polymer in examples of Müller et al would meet said claim 23.

Claims 1-6, 10-14, 16-21 and 23 are rejected under 35 U.S.C. 103(a) as obvious over Müller et al (US 5,118,290) in view of Renga (US 4,375,549) and Panster et al (US 4,362,885), and further in view of Schwabe et al (US 6,218,461), and further in view of Bublewitz et al (US 2002/0156186 A1).

Rejection is maintained for reason of record with aboveresponse.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tae H Yoon/
Primary Examiner
Art Unit 1796

THY/September 30, 2009